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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,665

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Eliyahu Nir

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

BRADFORD, CANDACE L

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

12/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,665

Applicant(s)

NIR, ELIYAHU

Examiner

Candace L. Bradford

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/22/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-11 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/24/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 9 recites the limitation "the compartment" in lines 6, 7 and 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tracy (4099595). Tracy discloses a rescue system for evacuating individuals through a window frame as best seen in Figure 6, of a high rise building comprising a bellowed rescue sleeve 20, foldable between a compact, standby position as best seen in Figure 4 and an extended, sloping down to ground level position to extended position, and a compartment for accommodating the sleeve characterized by a system operable to anchor the rescue system to the window frame in a self-supporting fashion, the compartment as best seen in Figure 6, adapted to be carried and lifted by a mobilized boom as best seen in Figure 6, a beam freely insertable into and out of a channel integrally formed within a compartment, as best seen in Figure 9 .

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pyleck (1520440). Pyleck discloses a rescue system for evacuating individuals through a window frame 3, of a high rise building comprising a rescue sleeve 5, foldable between a compact, standby position and an extended, sloping down to ground level position to extended position, and a compartment for accommodating the sleeve characterized by a system operable to anchor the rescue system to the window frame in a self-supporting fashion, as best seen in Figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy (4099595) in view of Eikermann (4367809). Tracy as advanced above fails to disclose a jaw member or rails in the rescue apparatus. Eikermann teaches the utility of an upper and lower jaw member 1 configured to embrace respectively the upper and lower window frame sides from the inside of the outer wall, as recited in column 2, lines 43-46, 52 and 53, the jaw members carried each by a pair rails 13, a means for provided for displacing on pair of rails away from the other pair of rails in parallel to each other. The use of jaw member to support the window frame is commonly used in the art to allow for an easier and slower transition of occupants of the building to safety. Therefore, it would have been obvious to one of ordinary skill in the art to provide the

rescue apparatus of Tracy with the jaw member and rails as taught by Eikermann so as to so allow for an easier and slower transition of occupants of the building to safety.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy (4099595) in view of Koizumi (4605095). Tracy as advanced above fails to disclose a pressurized air container to eject a rescue sleeve. Koizumi teaches the utility of pressurized air to eject a rescue sleeve, as recited in column 14, lines 34-37. The utility of a pressurized air container is commonly used in the art to allow for quick and easy deployment of a rescue sleeve when needed. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue apparatus of Tracy with a pressurized air container as taught by Koizumi so as to allow for quick and easy deployment of a rescue sleeve when needed.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy (4099595) in view of Gomes Jr. (7048092). Tracy as advanced above fails to disclose a spiraled rescue sleeve. Gomes Jr. teaches the utility of a spiral rescue sleeve as best seen in Figure 2 and 2a. The use of spiral rescue sleeve is commonly used in the art to allow for an easier and slower transition of occupants of the building to safety. Therefore, it would have been obvious to provide the rescue apparatus of Tracy with a spiral rescue sleeve as taught by Gomes Jr. so as to allow for an easier and slower transition of occupants of the building to safety.

Allowable Subject Matter

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims. The primary reason for the allowable subject matter of claims 4 and 5 is the inclusion of a pneumatic cylinder and piston coupled to the rails by pivotal scissors arm assemblies, a compressed air container being provided for selectively driving the piston and a sleeve ejecting means selectively operable by pressurized air charged from the container. The prior art of record fails to teach or suggest the claimed features absent the applicants own disclosure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hunter (4577725), Bolton (2702210), Patton (6244568), Nir (6910552), Talucci (4037685) and Baker (4580659).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Candace L. Bradford whose telephone number is (571) 272-8967. The examiner can normally be reached on 9am until 5pm.

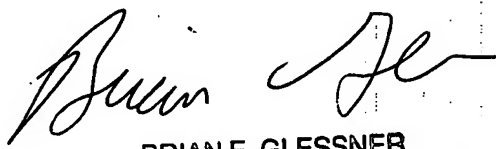
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-8967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace L. Bradford
Patent Examiner
Art Unit 3634
December 11, 2007


BRIAN E. GLESSNER
SUPERVISING PATENT EXAMINER